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October 22, 2008

Number of Pages (including this cover sheet): 9

PATENT APP #: 10/035,890

Dear Examiner Hamilton,

Attached is a copy of our response to the official action dated July 24, 2008. The original was mailed on October 14th and included the original signed affidavits. I am sending this to make sure we have a response within the filing due date.

I would appreciate the opportunity to discuss to make sure it is clear and presented in the right format. To that end I will call you to establish a convenient day and time.

Thank you for your attention to this matter

Cc: E. M. Dunham, Jr.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. 10/035,890

FILING DATE: December 31, 2001

FIRST NAMED INVENTOR: Douglas A. Nagan

EXAMINER: Hamilton, Lalita M.

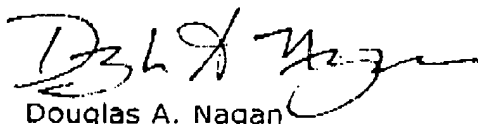
ART UNIT: 3624

RESPONSE TO FINAL OFFICE ACTION

Box AF
Commissioner of Patents
P.O.Box 1450
Alexandria, VA 22313-1450

A response to the final Office Action of July 24, 2008 is being timely filed by the due date. Since a reference applied by the examiner, (Stoltz Application No. 10/022,438 filed on December 20, 2001) has a patent or publication date less than 1 year before our filing date applicants request reconsideration under rule 131 to show prior inventorship to overcome the rejection by filing the attached affidavits.

Reconsideration and allowance are requested



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Introductory Statement

Applicant submits this response in response to the final official action mailed July 24, 2008. This response contains:

Affidavit by Douglas A. Nagan showing prior inventorship to Stoltz.

Affidavit by Edward Dunham showing prior inventorship to Stoltz.

Arguments pointing out, given that Stoltz is no longer applicable, how Spielman no longer applies.

Reconsideration and allowance are requested